

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Antoine Eggleston,

File No. 21-cv-01643 (ECT/LIB)

Plaintiff,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

B. Birkholz, *Warden of Federal Prison  
Camp Duluth; In there official capacities,*  
and Michael Carvajal, *Director of the  
Federal Bureau of Prisons; In there official  
capacities,*

Defendants.

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Magistrate Judge Leo I. Brisbois issued a Report and Recommendation on September 24, 2021. ECF No. 6. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 6] is **ACCEPTED**; and
2. The Petition for Writ of Habeas Corpus [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 3, 2021

s/ Eric C. Tostrud

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Eric C. Tostrud

United States District Court